

REMARKS

This Amendment and Reply is intended to be completely responsive to the Final Office Action mailed January 7, 2009. Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-18 have been canceled without prejudice to further prosecution on the merits. Claims 19 and 20 were previously canceled without prejudice to further prosecution on the merits. Claims 21 and 22 have been amended. New Claims 23-40 have been added to provide claims of varying scope. No new matter has been added. Accordingly, Claims 21-40 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 112

On page 2 of the Detailed Action, the Examiner rejected Claim 11 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleged that there was insufficient antecedent basis for the subject matter of “the rotational element.”

Applicant notes that Claim 11 depended from dependent Claim 10, which recited “a rotational element.” As such, there was sufficient antecedent basis for the subject of “the rotational element.” Nonetheless, this rejection is now moot because dependent Claim 11 has been canceled without prejudice to further prosecution on the merits. Accordingly, Applicant respectfully requests withdrawal of the rejection to Claim 11 under 35 U.S.C. § 112, ¶ 2.

Claim Rejections – 35 U.S.C. § 102(b)

On pages 2-4 of the Detailed Action, the Examiner rejected Claims 1-14, 16-18, 21 and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 20020096928 to

Bidare (“Bidare”). This rejection should be withdrawn because Bidare fails to disclose, teach or suggest the claimed inventions.

At the outset, Applicant notes that the rejection with regard to Claims 1-14 and 16-18 is now moot because these claims have been canceled without prejudice to further prosecution on the merits. Despite canceling Claims 1-14 and 16-18, Applicant wishes to make it unmistakably clear that it does not agree to or acquiesce in the rejections of these claims under 35 U.S.C. § 102. These claims have only been canceled in an effort to further advance the prosecution of the present application.

With regard to Claims 21 and 22, independent Claim 21 (as amended) recites a “device for adjusting the angle of a component” comprising, among other elements, a “rocking lever” that “is moved from its stable locking position to its stable release position when the armrest is at an angular position that is between the first angular region and the second angular region.”

Bidare fails to disclose, teach or suggest such a device. In contrast, Bidare discloses a “comfort armrest 10” having a “pawl 22” that is configured to releasably engage “sector teeth 48” of a “sector 26” to maintain a “comfort position.” In order to stow the “comfort armrest 10” from the comfort position, the “comfort armrest 10” must first be rotated upwards in a direction opposite the direction of the stowed position to a “memory release position 38” (paragraph [0016]). As shown in Figure 2, the “memory release position 38” defines an extreme angular position of the upward movement of the “comfort armrest 10.” Such an extreme angular position cannot be said to be between a first angular region and a second angular region of the armrest, as required by independent Claim 21.

Accordingly, Applicant respectfully requests withdrawal of the rejection of independent Claim 21 because at least one element of such claim is not disclosed, taught or suggested by Bidare. Claim 22, as it depends from Claim 21 is allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claim. Reconsideration and withdrawal of the rejection of Claims 21 and 22 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103(a)

On page 6 of the Detailed Action, the Examiner rejected Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Bidare. This rejection is now moot because Claim 15 has been canceled without prejudice to further prosecution on the merits.

New Claims

Applicant has added new Claims 23-40 to provide claims of varying scope. Claims 23-29 depend from independent Claim 21 and are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Applicant submits that independent Claims 30 and 38 recite a combination of subject matter that is allowable in view of the prior art of record.

For example, independent Claim 30 recites a “device for adjusting the angle of an armrest that is rotatable in a first direction and an opposite second direction” comprising, among other elements, a “rocking lever” that “is moved from its stable locking position to its stable release position by moving the armrest from the first angular region directly towards the second angular region.”

Also, independent Claim 38 recites a “device for adjusting the angle of an armrest that is rotatable in a first direction and an opposite second direction” comprising, among other elements, a “rocking lever” that “is moved from its stable release position to its stable locking position only at an extreme angular position, the extreme angular position being within the first angular region and opposite the second angular region.”

The prior art of record does not disclose, teach or suggest such devices. Accordingly, allowance of new independent Claims 30 and 38, and dependent Claims 31-37, 39 and 40, is respectfully requested.

* * *

Applicant believes that the present Application is now in condition for allowance. In particular, even when the elements of Applicant's claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the present Application as amended is respectfully requested.

Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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